

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Leandro Vazquez
Subdivision Amendment
Application # PC-05-26

Background

The subject property is Lot 1 of the Perry Subdivision. The Perry property was subdivided in 1990, and re-subdivided in 1999; an amendment was approved in 2001 (PC-01-16).

Application

Materials submitted in association with the application include the following:

- A. An application form and appropriate fee.
- B. A letter from Kit Perkins, Executive Director of the Intervale Foundation to the Town of Charlotte Select Board dated May 18, 2005.
- C. A letter from George Hubbar to the Planning Commission dated June 17, 2005
- D. A letter from Thomas Cosinuke and Anne Kelton to Chairman McDonald and Planning Commission members dated June 22, 2005

Public Hearing

A public hearing was held for this application on July 7, 2005. Leandro Vazquez and Amy Vazquez were present. Scott Jaunich and Lynne Jaunich were also present and participated in the hearing.

Regulations in Effect

Town Plan as amended March 2002
Zoning Bylaws as amended March 2002
Subdivision Bylaws as amended March 1995

Findings

1. The applicant owns Lot 1 of the Perry subdivision. When the lot was created in 1990 it was anticipated that an agricultural operation would use the surrounding open space lots, and that Lot 2 would be used for "farm housing". Consequently condition #4 of the 1990 approval states:

"No dwelling shall be constructed on Lot 2 without the Applicant obtaining specific approval for the use of such dwelling from the Charlotte Planning Commission. It is the intent of this condition to assure that Lot 2 is used for farm housing and a plan for assuring such use shall be presented to the Commission at the time approval for a dwelling to be constructed on Lot 2 is sought. Lot 2 may be used for non farm housing purposes if the Applicant or his assigns can

demonstrate that an economically viable agricultural operation cannot be maintained on the Perry Farm.”

2. In 2001, Perry requested that the condition requiring farm housing be removed. The Planning Commission allowed the condition to be moved to one of the units in the farmhouse on Lot 1, which was a duplex.
3. The current application seeks to remove the “farm-worker housing” requirement entirely.
4. The 1990 decision anticipated that there may be circumstances in which an agricultural operation would not be feasible, and therefore farm-worker housing would not be needed. Condition #4 of the 1990 decision allows the farm-worker housing requirement to be removed if it can be demonstrated that an economically viable agricultural operation is not feasible.
5. The current application includes a letter from the Executive Director of the Intervale Foundation, which was leading an effort by several not-for-profit agriculturally related organizations to use the property as a demonstration farm. The letter states “we determined there was not sufficient land of sufficient quality around the farmstead to create a viable farm enterprise.”
6. Lot 1 is 20.58 acres and Lot 17, which is an “open space lot” just to the south of Lot 1, is 10.85 acres.
7. Soils data from the Soil Survey of Chittenden County indicates that Lot 1 has no prime agricultural soils; the soils are mostly Covington Silty Clay and Vergennes Clay, which are considered statewide agricultural soils. Approximately half of Lot 17 has Palantine Silty Loam, which is considered a prime agricultural soil, however this amounts to approximately six acres.

Conclusions

1. The relatively small quantity of land involved with this application, as well as the small quantity of prime soils, suggests that the viability of a commercial operation is highly questionable.
2. Even if a small commercial farm operation is possible, the parcel is not large enough to necessitate “farm-worker housing” other than for the owner.
3. Organizations that have in the past expressed interest in the parcel, and would be most likely able to use the agricultural resources on the parcel, have indicated that they are no longer interested.

Decision

Based on these Findings, the Planning Commission approves the application for a Subdivision Amendment to remove the requirements created by Condition #5 of PC-01-16; farm-worker housing does not need to be provided on Lot 1 of the former Anthony Perry subdivision.

This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4th signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the site visit on July 7th: Jeff McDonald, Linda Radimer, John Owen, Peter

Joslin and Robin Pierce.

Members Present at the Public Hearing on July 7th: Jeff McDonald, Linda Radimer, John Owen, Peter Joslin, Robin Pierce and Robert Mack.

Vote of Members after Deliberations:

The following is the vote for or against the application, with conditions as stated in this Decision:

- 1. Signed: _____ For / Against Date Signed: _____
- 2. Signed: _____ For / Against Date Signed: _____
- 3. Signed: _____ For / Against Date Signed: _____
- 4. Signed: _____ For / Against Date Signed: _____
- 5. Signed: _____ For / Against Date Signed: _____
- 6. Signed: _____ For / Against Date Signed: _____
- 7. Signed: _____ For / Against Date Signed: _____